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13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**

16 SAFLINK CORP.,  
17  
18 Plaintiff,  
19  
20 v.  
21 DIGITAL PERSONA, INC.,  
22 Defendant.

Case No. C-05-1554-MMC

**STIPULATION AND [PROPOSED]  
ORDER RE DATE FOR FILING  
JOINT CLAIM CONSTRUCTION  
STATEMENT**

## STIPULATION

WHEREAS, the parties in this patent-infringement action have disclosed their proposed claim terms to be construed and proposed constructions of those terms pursuant to Patent L.R. 4-1 and 4-2, and they are currently meeting and conferring about those disclosures; and

WHEREAS, under the existing schedule, the parties' Joint Claim Construction and Prehearing Statement under Patent L.R. 4-3 is due on Monday, December 19; and

WHEREAS, the parties jointly desire that this date be continued for a short time, and agree that the need for a brief continuance has arisen for several reasons, including that the parties previously suspended litigation activities for approximately two weeks to discuss potential settlement; and

WHEREAS, the parties are not proposing any continuance of the dates for filing claim-construction briefs, or of the claim-construction hearing;

NOW THEREFORE, the parties hereby stipulate, and jointly request that the Court order, that the date for filing the Joint Claim Construction and Prehearing Statement pursuant to Patent L.R. 4-3 be continued to January 5, 2006.

Respectfully submitted,

Dated: December 16, 2005      MORRISON & FOERSTER LLP

By: \_\_\_\_\_ /S/  
Richard S. J. Hung

*Attorneys for Plaintiff/Counterdefendant*  
**SAFLINK CORP.**

Dated: December 16, 2005      KEKER & VAN NEST LLP

By: \_\_\_\_\_ /S/  
David J. Silbert

*Attorneys for Defendant/Counterclaimant  
DIGITAL PERSONA, INC.*

I attest that David J. Silbert has authorized me to electronically sign this document on his behalf.

Dated: December 16, 2005

MORRISON &amp; FOERSTER

By: \_\_\_\_\_ /S/  
Richard S.J. Hung

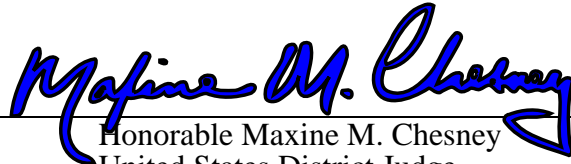
STIPULATION AND [PROPOSED] ORDER  
CASE NO. C-05-1554-MMC

sf-2052043

**[PROPOSED] ORDER**

Good cause appearing, IT IS SO ORDERED. The parties shall file their Joint Claim Construction and Prehearing Statement pursuant to Patent L.R. 4-3 on or before January 5, 2006.

Dated: December 19, 2005

  
\_\_\_\_\_  
Honorable Maxine M. Chesney  
United States District Judge